

Please note: These transcripts are not individually reviewed and approved for accuracy.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

July 29, 1998

REPORTER'S TRANSCRIPT OF EXCERPTS RE ITEMS 5 AND 10

Reported by Cynthia Hall

CALIFORNIA SHORTHAND REPORTING

1 AGENDA ITEM NO. 5: CONSIDERATION OF THE
2 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S
3 WORKING STRUCTURE

4 CHAIRMAN PENNINGTON: OKAY. NOW WE'LL MOVE -
5 - WE TOOK UP 26, NOW WE'LL MOVE TO ITEM 5, WHICH IS
6 CONSIDERATION OF THE CALIFORNIA INTEGRATED WASTE
7 MANAGEMENT BOARD'S WORKING STRUCTURE, MR. LEWIS B.
8 HASTINGS.

9 MR. HASTINGS: GOOD AFTERNOON, MR. CHAIRMAN
10 AND MEMBERS OF THE BOARD. I AM LEWIS B. HASTINGS,
11 ADVISOR TO CHAIRMAN PENNINGTON. I WILL BE MAKING A
12 VERY BRIEF PRESENTATION ON THIS ITEM.

13 SINCE 1995 THE BOARD HAS BEEN LOOKING
14 INTERNALLY AT ITS STRUCTURE TO IDENTIFY AND REMOVE
15 BARRIERS TO COORDINATION AND COLLABORATION WITH THE
16 GOAL BEING TO PROVIDE A MORE EFFICIENT AND EFFECTIVE
17 SERVICE TO OUR STAKEHOLDERS AND TO MEET THE GOALS AND
18 MANDATES OF THIS BOARD. THEREFORE, IT IS APPROPRIATE
19 THAT THIS BOARD LOOK AT ITS FORMAL STRUCTURE AND
20 DETERMINE WHETHER ITS STRUCTURE OR MODIFICATION OF
21 THAT STRUCTURE IS NEEDED TO SUPPORT THESE GOALS OF
22 SERVICE TO OUR STAKEHOLDERS AND EFFECTIVELY CARRYING
23 OUT OUR MANDATES.

24 THE AGENDA ITEM HAS PROPOSED THREE
25 OPTIONS TO THE BOARD. HOWEVER, THE BOARD IS NOT
26 REQUIRED TO ADOPT ANY PARTICULAR STRUCTURE. THEY HAVE

1 BASICALLY TWO REQUIREMENTS, ONE, TO MEET ONCE A MONTH
2 AND THE OTHER, IF THEY CHOOSE TO FORM COMMITTEES THAT
3 THOSE COMMITTEES HAVE NOT LESS THAN THREE MEMBERS.

4 WITH THOSE BRIEF REMARKS, THAT CONCLUDES
5 MY PRESENTATION, AND I'LL BE AVAILABLE TO ANSWER ANY
6 QUESTIONS.

7 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

8 I THINK YOU ALL HAVE BEEN GIVEN A COPY
9 OF A SUGGESTED MOTION THAT IS SIMILAR TO ONE THAT I
10 BROUGHT TO THE ADMIN COMMITTEE WITH SOME CHANGES. I'D
11 LIKE TO GO THROUGH THAT AND MAKE IT AS A MOTION, AND
12 IF THERE'S ANY DISCUSSION ON MY MOTION WE'LL BE HAPPY
13 TO DO THAT.

14 I MOVE THAT THE BOARD TAKE THE FOLLOWING
15 ADDITION:

16 ONE, SUSPEND ALL THE EXISTING
17 COMMITTEES.

18 TWO, TO CONDUCT TWO FULL BOARD MEETINGS
19 EACH MONTH WITH A SECOND DAY AS NEEDED.

20 THREE, AUTHORIZE THE BOARD CHAIRPERSON
21 TO APPOINT WORKING GROUPS AS NEEDED TO ADDRESS
22 SPECIFIC TERMED PROJECTS. THE BOARD AT THE MEETING
23 IMMEDIATELY FOLLOWING THE APPOINTMENTS SHALL AFFIRM
24 ALL WORKING GROUP APPOINTMENTS.

25 FOUR, AUTHORIZE THE BOARD CHAIRPERSON TO

1 APPOINT BOARD MEMBERS AS PROGRAM LIAISONS TO SERVE AS
2 LIAISON BETWEEN THE BOARD AND STAFF FOR A SPECIFIC
3 BOARD PROGRAM OR ACTIVITY.

4 AND, FIVE, AT ONE OF THE JANUARY, 1999,
5 BOARD MEETINGS THE BOARD WILL REINSTATE THE COMMITTEE
6 STRUCTURE. THE BOARD WILL UNDERTAKE A FULL REVIEW AND
7 EVALUATION OF THE COMMITTEE STRUCTURE AND TAKE ACTION
8 IT DEEMS APPROPRIATE.

9 DISCUSSION? I NEED A SECOND.

10 MEMBER FRAZEE: I'LL SECOND IT.

11 MS. TOBIAS: CHAIRMAN PENNINGTON?

12 CHAIRMAN PENNINGTON: YES?

13 MS. TOBIAS: I HAVE ONE POINT --

14 CHAIRMAN PENNINGTON: SURE.

15 MS. TOBIAS: -- AND IT'S PRETTY MINOR, BUT I
16 JUST WANTED TO CLARIFY IT. IN LEWIS' STAFF REPORT ON
17 PAGE 5-3, WHICH IS THE COPY I'M LOOKING AT, THE
18 DISCUSSION UNDER B BASICALLY TALKS ABOUT ADVANTAGES,
19 AND THEN ON THE LAST LINE IT SAYS THAT COMMITTEES

CALIFORNIA SHORTHAND REPORTING

1 WOULD BE MAINTAINED TO HANDLE THE MORE MINISTERIAL
2 TYPE FUNCTIONS. AND, AS I SAY, THIS IS VERY MINOR. I
3 WANT TO POINT OUT THAT IT SHOULD PROBABLY READ MORE
4 ROUTINE TYPE FUNCTIONS AS OPPOSED TO MINISTERIAL TYPE
5 FUNCTIONS.

6 A MEMBER OF THE STAFF RAISED THE ISSUE
7 TO ME OF DID THAT MEAN THAT THAT WAS MINISTERIAL IN
8 TERMS OF -- AS OPPOSED TO DISCRETIONARY, WHERE THE
9 BOARD DIDN'T HAVE DISCRETION. AND I THINK IT WAS JUST
10 A BAD CHOICE OF WORDS THERE. SO I'D LIKE TO MAKE IT
11 CLEAR THAT THAT'S NOT REALLY REFERRING TO MINISTERIAL
12 DUTIES OF THE BOARD, BUT TO MORE THE ROUTINE
13 ACTIVITIES. I JUST DIDN'T WANT THAT ON THE RECORD,
14 SINCE THERE HAD BEEN SOME QUESTION ABOUT THE BOARD'S
15 DISCRETIONARY VERSUS MINISTERIAL DUTIES.

16 CHAIRMAN PENNINGTON: OKAY. THE MOTION HAS
17 BEEN -- MR. FRAZEE?

18 MEMBER FRAZEE: YES, I WILL SECOND -- EXCUSE
19 ME, I SECONDED THE MOTION.

CALIFORNIA SHORTHAND REPORTING

1 I DO HAVE ONE ITEM I WANTED TO RAISE,
2 AND THAT'S ITEM 3, THE STATEMENT THE BOARD AT THE
3 MEETING IMMEDIATELY FOLLOWING THE APPOINTMENT SHALL
4 AFFIRM ALL WORKING APPOINTMENTS. THE SHALL IMPLIES
5 THAT YOU DON'T HAVE ANY DISCRETION, AND SO WHAT'S THE
6 PURPOSE OF AFFIRMING THEM? I THINK THAT LINE NEEDS TO
7 BE REWORKED A LITTLE BIT. SHALL CONSIDER --

8 CHAIRMAN PENNINGTON: GEE, WHIZ, THEY DON'T
9 LET ME GET AWAY WITH ANYTHING, DO THEY?

10 MEMBER EATON: IT COMES FROM HIS BACKGROUND
11 AND TRAINING.

12 CHAIRMAN PENNINGTON: WHAT WAS THE WORD HE
13 USED, "SHALL CONSIDER" --

14 MEMBER FRAZEE: SHALL CONSIDER FOR APPROVAL -
15 -

16 CHAIRMAN PENNINGTON: FOR APPROVAL OR
17 DISAPPROVAL?

18 MEMBER FRAZEE: OR, YES, CONSIDER AFFIRMING
19 ALL WORKING GROUP --

CALIFORNIA SHORTHAND REPORTING

1 CHAIRMAN PENNINGTON: SHALL CONSIDER, OKAY,
2 AFFIRMING. OKAY, THAT'S FINE.

3 ANY OTHER DISCUSSION?

4 MEMBER JONES: JUST ONE QUICK COMMENT.

5 CHAIRMAN PENNINGTON: SURE.

6 MEMBER JONES: THERE'S A LOT OF PEOPLE HERE
7 THAT WERE HERE AT THE ADMIN, IT WAS A BIGGER CROWD,
8 THEY WERE KIND OF DISAPPOINTED WHEN THIS ITEM DIDN'T
9 COME UP EARLIER I THINK.

10 BUT I THINK THAT THIS -- I HOPE THAT
11 THIS SENDS A CLEAR MESSAGE, THAT THIS IS GOING TO TAKE
12 A FOUR-OH VOTE, AND THERE ARE ONLY FOUR OF US UP HERE.
13 AND WE ARE WORKING TO MOVE THIS ORGANIZATION FORWARD.
14 AND I THINK THAT THAT IS CRITICAL, THAT THE STAFF
15 UNDERSTANDS HOW COMMITTED THIS BOARD IS, ALL THE
16 MEMBERS OF THIS BOARD TO MOVING FORWARD. AND IT'S WHY
17 THIS PROCESS WORKS AS WELL AS IT DOES.

18 CHAIRMAN PENNINGTON: THANK YOU, MEMBER
19 JONES.

CALIFORNIA SHORTHAND REPORTING

1 SECRETARY, PLEASE CALL THE ROLL.
2 THE SECRETARY: BOARD MEMBER EATON?
3 MEMBER EATON: AYE.
4 THE SECRETARY: FRAZEE?
5 MEMBER FRAZEE: AYE.
6 THE SECRETARY: JONES?
7 MEMBER JONES: AYE.
8 THE SECRETARY: CHAIRMAN PENNINGTON?
9 CHAIRMAN PENNINGTON: AYE.
10 THE MOTION CARRIES.
11 MEMBER EATON: MR. CHAIR?
12 CHAIRMAN PENNINGTON: YES?
13 MEMBER EATON: IS IT APPROPRIATE NOW THAT
14 THIS IS PASSED TO DISCUSS DATES FOR THOSE MEETING --
15 CHAIRMAN PENNINGTON: SURE.
16 MEMBER EATON: -- OR, I MEAN, NOT SO MUCH --
17 BUT I THINK BECAUSE OF THE OTHER MEETING, SOME OF OUR
18 CALENDARS ARE ALREADY SET, AND I THINK THIS BECOMES
19 EFFECTIVE IMMEDIATELY.

CALIFORNIA SHORTHAND REPORTING

1 CHAIRMAN PENNINGTON: RIGHT.

2 MEMBER EATON: AND AS IT SHOULD. BUT,
3 WHETHER OR NOT WE'RE GOING TO COMBINE THE TWO BOARD
4 MEETINGS ON THE SPECIAL BOARD MEETING DAY AND THE
5 REGULAR MEETING, OR A DIFFERENT DAY. I THINK JUST IF
6 WE CAN KIND OF JUST --

7 CHAIRMAN PENNINGTON: RIGHT. I'M GLAD YOU
8 RAISED THAT, BECAUSE I WAS ABOUT TO SAY THAT ONE OF
9 THE THINGS I'D LIKE TO DO IS DIRECT THE STAFF TO
10 CANCEL THE MEETINGS CURRENTLY NOTICED FOR AUGUST, AND
11 MOVE THE ITEMS INTO ONE OF THE TWO BOARD MEETINGS
12 DURING THE MONTH OF AUGUST.

13 I HAVE A PROPOSED SCHEDULE THAT WE DON'T
14 HAVE TO AFFIRM NOW, BUT I'VE GOT AUGUST 13TH AND 26TH,
15 SEPTEMBER 9TH AND THE 23RD, OCTOBER --

16 MEMBER EATON: WAIT, WAIT, WAIT.

17 CHAIRMAN PENNINGTON: SURE.

18 MS. TOBIAS: EXCUSE ME.

19 MEMBER EATON: 8/24, TOO.

CALIFORNIA SHORTHAND REPORTING

1 CHAIRMAN PENNINGTON: 8/24, YEAH.
2 MEMBER EATON: BECAUSE WE HAVE A SPECIAL
3 BOARD MEETING. JUST TO KIND OF GET --
4 MS. TOBIAS: YEAH, I NEED THE 24TH, IT'S A
5 TIMING PROBLEM.
6 CHAIRMAN PENNINGTON: OKAY.
7 MS. TOBIAS: OR, RATHER I SHOULD SAY NOT A
8 PROBLEM BUT A TIMING ISSUE. SO, THE SPECIAL BOARD
9 MEETING NEEDS TO STAY ON THE 24TH.
10 CHAIRMAN PENNINGTON: YEAH, IT WILL.
11 MS. TOBIAS: OKAY.
12 CHAIRMAN PENNINGTON: IT WILL. YEAH.
13 MEMBER EATON: SEPTEMBER 9TH IS ADMISSIONS
14 DAY, IS THAT STILL A STATE HOLIDAY?
15 MS. TOBIAS: NO.
16 CHAIRMAN PENNINGTON: I DON'T BELIEVE SO.
17 MEMBER EATON: 9/9, AND WHAT'S THE OTHER --
18 MS. TOBIAS: ACTUALLY, THAT WAS EXCHANGED FOR
19 A DIFFERENT HOLIDAY, SO.

CALIFORNIA SHORTHAND REPORTING

1 CHAIRMAN PENNINGTON: 10/9 AND 10/23 -- I'M
2 SORRY, 9/9 AND 9/23. AND THEN 10/6, WHICH IS OCTOBER
3 6TH, AND 10/21, NOVEMBER -- 11/4 AND 11/18, AND
4 DECEMBER 2, 12/2 AND 16.

5 MEMBER EATON: IS 11/4 THE DAY AFTER THE
6 ELECTION?

7 CHAIRMAN PENNINGTON: IS IT REALLY?

8 MEMBER EATON: I THINK SO. WE MAY WANT TO
9 JUST -- NOT CAST THEM IN STONE, WE MAY ALL BE
10 TRAVELING FROM DIFFERENT DIRECTIONS. AND WE MAY NOT
11 BE IN THE MOST, SHALL WE SAY, PROPER STATE IN WHICH TO
12 --

13 CHAIRMAN PENNINGTON: RIGHT, I WAS GOING TO
14 SAY, MAYBE WE SHOULDN'T START THAT MEETING UNTIL NOON
15 OR SOMETHING, HUH?

16 MS. TOBIAS: MR. PENNINGTON, I DIDN'T HEAR
17 WHEN THE AUGUST ONES ARE. ARE WE JUST --

18 CHAIRMAN PENNINGTON: THE AUGUST ONES WILL BE
19 -- WE'VE GOT AUGUST 13 --

CALIFORNIA SHORTHAND REPORTING

1 MS. TOBIAS: OH, OKAY, THANKS.

2 CHAIRMAN PENNINGTON: -- AUGUST 24 FOR THE

3 SPECIAL, AND AUGUST 26TH.

4 MS. TOBIAS: OKAY. THANK YOU.

5 CHAIRMAN PENNINGTON: SURE.

6 MEMBER EATON: AND IF WE JUST -- IF YOU WOULD

7 CIRCULATE THOSE. I THINK THE ONLY PROBLEM THAT I KNOW

8 OF RIGHT NOW IS ON THE 13TH I'LL NEED A LITTLE BIT OF

9 TIME, SO IF WE STARTED NOT AT PERHAPS 9:30, JUST

10 ADJUSTING THE TIME, I THINK I WOULD BE ABLE TO BE

11 THERE.

12 CHAIRMAN PENNINGTON: OKAY.

13 MEMBER EATON: BUT WE CAN DISCUSS THAT AS

14 WELL.

15 CHAIRMAN PENNINGTON: SURE.

16 MEMBER EATON: BUT THAT'S HELPFUL, AND I

17 THANK YOU.

18 MEMBER JONES: MR. CHAIRMAN?

19 CHAIRMAN PENNINGTON: YES, MEMBER JONES?

CALIFORNIA SHORTHAND REPORTING

1 MEMBER JONES: I KNOW THAT YOU'RE GOING TO BE
2 WORKING WITH THE EXECUTIVE STAFF AND EVERYBODY TO TRY
3 TO FIGURE OUT, BUT I'M HOPING THAT WHAT WE SAW IN
4 COMMITTEE MEETINGS AS FAR AS THE FULLNESS -- AND I
5 THINK YOU GUYS HAVE TO HAVE SOME DISCUSSIONS ABOUT THE
6 BRIEFINGS.

7 ONE OF THE ITEMS THAT WE BROUGHT UP AT
8 THE ADMIN MEETING WAS THAT NOW THAT THERE IS NO
9 COMMITTEES, IF WE DO NOT DELIBERATE ON CERTAIN
10 BRIEFING FUNCTIONS MORE THAN ONE OF US CAN GO,
11 ACTUALLY THREE OF US COULD GO.

12 BUT WE JUST HAVE TO DISCLOSE -- RIGHT?
13 I MEAN, AM I -- I JUST WANTED YOU GUYS TO THINK ABOUT
14 IT BECAUSE IT IS A DOST SAVINGS ISSUE. I THINK I HAD
15 SAID TWO AND SOMEBODY SAID THREE. SO, WHERE WE CAN
16 GET BRIEFINGS AND WE JUST HAVE TO ACKNOWLEDGE IF WE
17 ASK QUESTIONS TO THE PUBLIC WHAT THE ISSUES WERE THAT
18 WE RAISED QUESTIONS ABOUT, IF THEY WOULD BE ANY
19 DIFFERENT THAN THE ITEM.

CALIFORNIA SHORTHAND REPORTING

1 BUT, IT WOULD SEEM TO ME IT WOULD BE A
2 WAY TO MOVE EVEN MORE INTO STREAMLINING AND SAVING OUR
3 STAFF'S TIME IF THEY COULD DEAL WITH THREE OF US AT
4 ONE TIME, IF WE COULD EVER FIND OUR CALENDARS TO
5 COINCIDE.

6 CHAIRMAN PENNINGTON: WELL, I THINK YOU'RE
7 RIGHT, AND I THINK THAT THERE ARE LOTS OF ADJUSTMENTS
8 THAT HAVE TO BE MADE, AND THAT'S WHY WE'RE GOING TO DO
9 THIS ON A TRIAL BASIS AND WHY WE'RE GOING TO LOOK AT
10 IT AGAIN IN JANUARY AND SEE IF IT'S BEEN SUCCESSFUL.
11 IF WE FIND THAT IT'S WORKING WELL WE MAY CHOOSE TO DO
12 IT, OR WE MAY CHOOSE TO MAKE SOME MODIFICATIONS, OR WE
13 MAY CHOOSE TO GO BACK TO THE OLD STRUCTURE. SO, WE
14 WILL BE TRYING TO REFINE IT AND MAKE SURE THAT
15 EVERYBODY IS FULLY INFORMED AND THAT WE HAVE AN
16 OPPORTUNITY TO HAVE AN OPEN DISCUSSION OF A LOT OF
17 ITEMS.

18 MEMBER EATON: AND JUST FOR THE RECORD, THE
19 GOVERNMENTAL EFFICIENCY EXPERT WHO SUGGESTED THREE WAS

CALIFORNIA SHORTHAND REPORTING

1 ONE JEFF DANZINGER.

2

3

4

5

6

7

8

9

10

11

12

13

14

15 CHAIRMAN PENNINGTON: OKAY, FOLKS, SHALL WE
16 COME BACK TO ORDER?

17 LET'S SEE, NOW WE'RE GOING TO TAKE UP

18 ITEM 10: CONSIDERATION OF OPTIONS RELATING TO

19 IMPLEMENTATION OF THE PERMIT CONSOLIDATION ZONE PILOT

CALIFORNIA SHORTHAND REPORTING

1 PROGRAM, SB 1299 PEACE 1995. DOROTHY RICE.

2 AGENDA ITEM NO. 10: CONSIDERATION OF OPTIONS

3 RELATING TO IMPLEMENTATION OF THE PERMIT

4 CONSOLIDATION ZONE PILOT PROGRAM

5 (SB 1299 PEACE 1995)

6 MS. RICE: THANK YOU. SUZANNE HAMBLETON WILL
7 MAKE THIS PRESENTATION.

8 MS. HAMBLETON: GOOD AFTERNOON. FOR THE
9 RECORD, MY NAME IS SUZANNE HAMBLETON. THIS AGENDA
10 ITEM SUMMARIZES THE PERMIT CONSOLIDATION ZONE PILOT
11 PROGRAM AND REQUESTS THAT ULTIMATELY THE BOARD MAKE
12 SOME DECISIONS THAT WILL BE DESCRIBED LATER.

13 THIS ITEM WAS FORWARDED TO THE BOARD
14 TODAY FROM THE P&E COMMITTEE WITH NO RECOMMENDATION.

15 THE 1299 STATUTE WAS SIGNED IN 1995,
16 REGULATIONS WERE PROMULGATED IN THE SPRING OF 1997.
17 IN THE SUMMER OF 1997 REPRESENTATIVES FROM TRADE AND
18 COMMERCE, AND CAL EPA BOARDS AND DEPARTMENTS, AND
19 OTHER ENVIRONMENTAL PERMITTING STATE AGENCIES WERE

CALIFORNIA SHORTHAND REPORTING

1 ASKED TO ASSIST WITH THE IMPLEMENTATION OF THE
2 PROGRAM.

3 THE PILOT PROGRAM IS INTENDED TO
4 STREAMLINE CALIFORNIA'S ENVIRONMENTAL PERMITTING
5 PROCESS WHILE PRESERVING CALIFORNIA'S COMMITMENT TO A
6 SAFE AND HEALTHFUL ENVIRONMENT. THE MAJOR COMPONENTS
7 OF SB 1299 ARE THE CREATION OF PERMIT CONSOLIDATION
8 ZONES AND THE ALLOWANCE OF A SINGLE FACILITY
9 COMPLIANCE PLAN IN LIEU OF EXISTING ENVIRONMENTAL
10 PERMITS FOR NEW AND EXPANDING FACILITIES.

11 THE PERMIT CONSOLIDATION ZONE PILOT
12 PROGRAM IS IN EFFECT UNTIL THE YEAR 2002 UNLESS
13 ANOTHER PIECE OF LEGISLATION DELETES OR EXTENDS THIS
14 DATE.

15 OUR PERMIT CONSOLIDATION ZONE IS A
16 GEOGRAPHIC AREA CONTIGUOUS OR NON-CONTIGUOUS
17 DESIGNATED WITHIN THE JURISDICTION OF A CITY OR
18 CITIES, OR COUNTY OR COUNTIES, OR BOTH. THE APPROVAL
19 OF THE ZONE IS BASED ON RECOMMENDATION BY A REVIEW

CALIFORNIA SHORTHAND REPORTING

1 PANEL .

2 EACH ZONE ENTERS INTO A MEMORANDUM OF
3 UNDERSTANDING WITH PARTICIPATING ENVIRONMENTAL
4 PERMITTING AGENCIES. THE MOUS SPECIFY THE TYPES OF
5 FACILITIES THAT ARE ELIGIBLE TO OPERATE UNDER THE
6 AUTHORITY OF A PERMIT OF A FACILITY COMPLIANCE PLAN.

7 WITHIN A ZONE, A ZONE ADMINISTRATOR IS
8 DESIGNATED AND RESPONSIBLE FOR ADMINISTRATION OF THE
9 PROGRAM.

10 HERE IS A LIST OF THE ZONE APPLICANTS.
11 THEY ARE: THE COUNTY OF FRESNO; THE COUNTY OF KERN,
12 MINUS THE CITY OF BAKERSFIELD; THE CITY OF
13 BAKERSFIELD; AND THE CITIES OF SOUTHERN ORANGE COUNTY.
14 THESE FOUR APPLICATIONS ARE PENDING APPROVAL BASED ON
15 SUBMITTAL OF SIGNED MOUS.

16 WITHIN A DESIGNATED ZONE A PROJECT
17 APPLICANT WITH A NEW OR EXPANDING FACILITY COULD
18 VOLUNTARILY OPT TO SUBSTITUTE A FACILITY COMPLIANCE
19 PLAN IN LIEU OF EXISTING ENVIRONMENTAL PERMITS. THE

CALIFORNIA SHORTHAND REPORTING

1 FACILITY COMPLIANCE PLAN MUST MEET THE REQUIREMENTS OF
2 ALL THE INDIVIDUAL ENVIRONMENTAL PERMITS THAT WOULD
3 OTHERWISE BE REQUIRED. THE PLAN DOES NOT ABROGATE THE
4 CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PERMITTING
5 AUTHORITY MAY ADD CONDITIONS BASED ON STATUTE,
6 REGULATIONS OR LOCAL ORDINANCES.

7 THE FACILITY COMPLIANCE PLAN HAS A
8 REVIEW PROCESS WHERE INDIVIDUAL AGENCIES DETERMINE
9 ADEQUACY AND COMPLETENESS OF THE PLAN WITHIN 45 DAYS
10 OF RECEIPT. THERE HAS BEEN ADDITIONAL LANGUAGE THAT
11 HAS BEEN ADDED TO THE MOU THAT PROVIDES FOR SUBMITTAL
12 OF A DRAFT FACILITY COMPLIANCE PLAN AND THE
13 DETERMINATION OF COMPLETENESS AND ADEQUACY AT THE
14 STAFF LEVEL BEFORE THE OFFICIAL 45-DAY TIME LINE
15 COMMENCES.

16 THE FACILITY COMPLIANCE PLAN MUST
17 PROVIDE EQUIVALENT OPPORTUNITY FOR PUBLIC
18 PARTICIPATION, NOTICE, AND ADMINISTRATIVE APPEAL
19 REQUIRED BY THE REVIEW PROCESS THAT WOULD OTHERWISE BE

CALIFORNIA SHORTHAND REPORTING

1 USED.

2 THE 45-DAY TIME FRAME MAYBE WAIVED IF
3 MUTUALLY AGREED TO BY THE PLAN APPLICANTS AND
4 PERMITTING AUTHORITY. THIS IS A FACILITY COMPLIANCE
5 TIME LINE. THE TOP BOX SHOWS THAT A PLAN APPLICANT
6 ISSUES A NOTICE OF INTENT TO BE PREPARED BY EACH
7 PARTICIPATING PERMITTING AUTHORITY.

8 THE NOTICE OF INTENT IS SUBMITTED AT LEAST 60
9 DAYS BEFORE THE SUBMITTAL OF THE PLAN. THE NOTICE
10 CONTAINS THE PROJECT DESCRIPTION, AMONG OTHER THINGS.

11 THE ZONE ADMINISTRATOR MUST FACILITATE
12 DISCUSSION BETWEEN THE APPLICANT AND THE PERMITTING
13 AGENCIES DURING THE PERIOD WHEN THE PLAN IS BEING
14 PREPARED.

15 THE SECOND BOX SHOWS THAT, SUBSEQUENT TO
16 THE NOTICE OF INTENT AND PRIOR TO SUBMITTING THE
17 PROPOSED FACILITY COMPLIANCE PLAN, THE PLAN APPLICANT
18 SUBMITS A DRAFT FACILITY COMPLIANCE PLAN CONCURRENTLY
19 TO THE ZONE ADMINISTRATOR AND THE PERMITTING

CALIFORNIA SHORTHAND REPORTING

1 AUTHORITIES. THE ZONE ADMINISTRATOR SOLICITS PUBLIC
2 COMMENT ON THE DRAFT PLAN AND DISTRIBUTES ALL COMMENTS
3 TO EACH PERMITTING AUTHORITY.

4 THE PLAN APPLICANT MODIFIES THE DRAFT IN
5 RESPONSE TO THE COMMENTS RECEIVED PRIOR TO SUBMITTING
6 THE PROPOSED PLAN TO THE PERMITTING AUTHORITIES FOR
7 APPROVAL.

8 THE THIRD BOX SHOWS THE APPLICANT AS
9 SUBMITTING THE PROPOSED FACILITY COMPLIANCE PLAN TO
10 THE ZONE ADMINISTRATOR IN EACH OF THE PERMITTING
11 AGENCIES. THE PERMITTING AGENCIES APPROVE OR
12 DISAPPROVE THE FACILITY COMPLIANCE PLAN WITHIN 45
13 DAYS. THE DETERMINATION IS SUBMITTED TO THE ZONE
14 ADMINISTRATOR AND THE PLAN APPLICANT BY THE 45TH DAY.

15 IF DISAPPROVED, THE PERMITTING AUTHORITY
16 MUST SPECIFY WHY THE PLAN IS DEFICIENT. AFTER
17 RESUBMITTAL THE PERMITTING AUTHORITY HAS 30 DAYS TO
18 APPROVE OR DISAPPROVE THE PLAN. THE PLAN APPLICANT
19 MAY CHOOSE TO APPEAL THE DECISION, IF THE DECISION WAS

CALIFORNIA SHORTHAND REPORTING

1 DISAPPROVAL, TO THE PERMITTING AUTHORITY.

2 OKAY. THERE'S A FEW THINGS THAT THE
3 BOARD NEEDS TO CONSIDER TODAY. WHICH OF THE SOLID
4 WASTE PERMITS ARE ELIGIBLE FOR THE PROGRAM? AND, IF
5 THE BOARD DETERMINES THAT SOME OF THE PERMIT TIERS ARE
6 ELIGIBLE HOW WOULD THIS BE HANDLED? DOES THE MEMO OF
7 UNDERSTANDING ADDRESS THE BOARD CONCERNS? AND, WHAT
8 IS THE BOARDS ROLE IN THE APPROVAL OF THE FACILITY
9 COMPLIANCE PLAN?

10 OKAY. WHICH OF THE PERMITS ARE
11 ELIGIBLE? CURRENTLY THE REGISTRATION STANDARDIZING
12 FULL PERMITS ARE POTENTIALLY ELIGIBLE FOR THE PILOT
13 PROGRAM. OR, ANOTHER OPTION IS TO SELECT -- OR, AN
14 OPTION IS TO SELECT THE REGISTRATION PERMIT AS AN
15 ELIGIBLE TIER AND SELECT THE STANDARDIZED AND FULL
16 PERMIT TIERS AS ELIGIBLE ON A CASE-BY-CASE BASIS.

17 HOW WOULD THE CASE-BY-CASE DECISIONS BE
18 DETERMINED? WOULD ELIGIBILITY OF THE FACILITY BE
19 DETERMINED AT A MEETING OF THE BOARD, OR COULD THAT

CALIFORNIA SHORTHAND REPORTING

1 DECISION BE DELEGATED TO THE EXECUTIVE DIRECTOR?

2 THE QUESTION, DOES THE MOU ADDRESS BOARD
3 CONCERNS? THERE ARE TWO AREAS OF THE MOU THAT WARRANT
4 SOME DISCUSSION. ONE I'VE ALREADY TOUCHED UPON IS
5 WHICH PERMITS ARE ELIGIBLE TO BE SUBSTITUTED BY A
6 FACILITY COMPLIANCE PLAN.

7 AND THEN THE APPEAL PROCESS THAT WOULD
8 BE USED BY THE APPLICANT. IF A PLAN APPLICANT CHOSE
9 TO APPEAL THE DECISION OF A PERMITTING AUTHORITY, THE
10 LANGUAGE IN SB 1299 STATUTE AND REGULATION ALLOW FOR
11 PERMITTING AUTHORITY TO USE THEIR EXISTING APPEAL
12 PROCESS. HOWEVER, THE STATUTE STATES THAT THE PROCESS
13 MUST BE CONCLUDED IN 60 DAYS.

14 THE SOLID WASTE APPEAL PROCESS, WHICH IS
15 THE AB 59 PROCESS, IS A TWO-PHASE PROCESS COMMENCING
16 WITH THE LOCAL HEARING PANEL, WHICH TAKES AT LEAST 70
17 DAYS. AND IF THE APPELLATE CHOOSES TO APPEAL THAT
18 DECISION OF THE LOCAL HEARING PANEL TO THE BOARD IT
19 CAN TAKE UP TO AN ADDITIONAL 90 DAYS.

1 THE STAFF WOULD LIKE TO ADD ADDITIONAL
2 LANGUAGE TO THE MOU TO ENSURE THAT WE WOULD USE THE
3 WASTE BOARD'S PROCESS. ON PAGE 10-23 OF YOUR PACKET,
4 WHICH IS THE MOU, NUMBER NINE, WE WOULD LIKE TO ADD
5 THE ADDITIONAL LANGUAGE -- I THINK THAT'S BEEN PASSED
6 OUT -- STARTING AT THE END OF NUMBER NINE. AND IT
7 WOULD READ:

8 "THE APPEAL PROCESS FOR THE CALIFORNIA
9 INTEGRATED WASTE MANAGEMENT BOARD, FOR A
10 FINDING OF INADEQUACY, MAY TAKE LONGER THAN
11 60 DAYS AS PROVIDED IN PUBLIC RESOURCES CODE
12 SECTIONS 44.300, *ET SEQ.* THE WASTE BOARD'S
13 PARTICIPATION IN THE FACILITY COMPLIANCE PLAN
14 PROCESS IS CONDITIONED UPON AGREEMENT AMONG
15 THE PARTIES PRIOR TO ITS DECISION TO
16 PARTICIPATE, AND THAT THE WASTE BOARD
17 STATUTORY TIME FRAMES FOR APPEAL PROCESS
18 FOUND IN PUBLIC RESOURCES CODE SECTIONS
19 44.300, *ET SEQ.*, ARE CONTROLLING."

CALIFORNIA SHORTHAND REPORTING

1 IF A PLAN APPLICANT CHOSE TO APPEAL
2 CONDITIONS OF THE FACILITY COMPLIANCE PLAN AFTER THE
3 APPROVAL OF THE PLAN THEN THE APPEAL PROCESS WOULD BE
4 THE CURRENT AB 59 PROCESS, THE 1299 STATUTE IS SILENT
5 ON TERMS OF APPEALING CONDITIONS AFTER A PLAN HAS BEEN
6 APPROVED.

7 ADDITIONALLY, IN NUMBER 13 OF THE
8 AGREEMENT, WHICH IS NOW ON PAGE 10-24, THE STAFF WOULD
9 LIKE TO ADD LANGUAGE TO MAKE SURE THE AGREEMENT DOES
10 NOT TAKE EFFECT FOR ANY AGENCY UNTIL THAT AGENCY SIGNS
11 THE AGREEMENT.

12 OKAY. ANOTHER DECISION THAT HOPEFULLY
13 WILL BE MADE IS WHAT IS THE BOARD'S ROLE IN THE
14 APPROVAL OF THE FACILITY COMPLIANCE PLAN. WOULD THE
15 BOARD LIKE TO CONSIDER THE CONCURRENCE OF THE PLAN AT
16 A MEETING OF THE BOARD, OR COULD THIS BE DELEGATED TO
17 THE EXECUTIVE DIRECTOR?

18 IN SUMMARY, THE DECISIONS FOR THE BOARD
19 ARE: TO DETERMINE WHICH SOLID WASTE PERMITS ARE

CALIFORNIA SHORTHAND REPORTING

1 ELIGIBLE, THE REGISTRATION TIER, THE STANDARDIZED
2 TIER, THE FULL TIER, AND IF SO, ON WHAT BASIS, AND
3 SOME COULD BE ELIGIBLE ON A
4 CASE-BY-CASE BASIS.

5 FOR THE PERMIT TIERS THAT ARE ELIGIBLE
6 ON A CASE-BY-CASE BASIS HOW WOULD THE BOARD LIKE TO
7 HANDLE THESE? WOULD THEY LIKE TO BE HANDLED AT, AS I
8 SAID, A MEETING OF THE BOARD OR DELEGATED TO THE
9 EXECUTIVE DIRECTOR?

10 WE NEED TO DECIDE WHETHER OR NOT WE ARE
11 GOING TO SIGN THE AGREEMENTS. AND WE ARE GOING TO
12 HOPEFULLY DETERMINE HOW TO CONCUR WITH THE -- OR,
13 DETERMINE HOW CONCURRENCE WITH THE FACILITY COMPLIANCE
14 PLAN WILL OCCUR, THROUGH A MEETING OF THE BOARD OR CAN
15 THAT BE A DELEGATION.

16 THE BOARD MAY CHOOSE TO COME UP WITH
17 OTHER OPTIONS, OR TAKE NO ACTION.

18 AND, IN SUMMARY, THESE ARE THE QUESTIONS
19 THAT STAFF WOULD LIKE TO BE ANSWERED TODAY. I THINK

CALIFORNIA SHORTHAND REPORTING

1 I'LL JUST LEAVE THAT UP THERE.

2 I'D LIKE TO SAY THAT MS. CHRIS KENNEY OF
3 CAL EPA IS IN ATTENDANCE TODAY IN CASE YOU HAVE
4 QUESTIONS OF CAL EPA. AND THIS CONCLUDES MY
5 PRESENTATION.

6 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?
7 MEMBER EATON?

8 MEMBER EATON: YES. THE 70 AND 90 DAYS OF AB
9 59 IS STATUTE. CORRECT?

10 MS. HAMBLETON: YES. IT'S NOT EXACTLY 70 AND
11 90, BUT IT'S APPROXIMATELY THOSE AMOUNT OF DAYS.

12 MEMBER EATON: AND THE 60 DAYS THAT IS
13 CONTAINED WITHIN SB 1299, THAT'S STATUTORY AS WELL?

14 MS. HAMBLETON: CORRECT.

15 MEMBER EATON: SO IF THERE WERE A CONFLICT
16 BETWEEN THE TWO WHICH WOULD BE CONTROLLING?

17 MS. HAMBLETON: I DEFER.

18 MS. TOBIAS: IS THAT A RHETORICAL QUESTION,
19 MEMBER EATON? YOU PROBABLY KNOW BETTER THAN I DO.

CALIFORNIA SHORTHAND REPORTING

1 IN THE CASE -- BASICALLY WHAT HAPPENS IS
2 WHEN YOU HAVE CONFLICT BETWEEN STATUTES YOU'D HAVE TO
3 GO THROUGH THE STANDARD TEST, WHICH IS TO DECIDE IS
4 THERE A WAY TO MAKE THEM BOTH WORK AT THE SAME TIME,
5 WHAT'S THE AMBIGUITY, ET CETERA. THERE'S A WHOLE TEST
6 THAT YOU GO THROUGH BEFORE YOU FIND THAT THERE IS
7 TRULY A CONFLICT. SO IT'S SOMETHING THAT WE MIGHT BE
8 SITTING IN COURT ON.

9 MEMBER EATON: THE OTHER THING IS, I HAVE A
10 PROBLEM WITH THE DEFINITION OF CASE-BY-CASE, BECAUSE
11 THAT MEANS A LOT OF DIFFERENT THINGS TO A LOT OF
12 DIFFERENT PEOPLE. AND I WAS WONDERING IF EITHER
13 STAFF, OR EXECUTIVE STAFF, OR LEGAL COUNSEL COULD KIND
14 OF GIVE ME A DEFINITION. I'VE BEEN HERE AS TO WHAT
15 THAT KIND OF MEANS.

16 DOES THAT MEAN THAT WE WOULD -- WELL,
17 LET ME JUST ASK THE QUESTION.

18 MR. CHANDLER: I THINK IT'S A GOOD QUESTION,
19 BECAUSE I HAVE HEARD THIS 1299 PROCESS BE REPRESENTED

CALIFORNIA SHORTHAND REPORTING

1 THAT IT IS A CASE-BY-CASE, IF YOU WILL, REVIEW OF THE
2 PROJECTS THAT COME FORWARD. AND, THEREFORE, THAT IT
3 KIND OF GOES WITHOUT SAYING THAT THE BOARD WOULD HAVE
4 THE RIGHT ON A CASE-BY-CASE -- SHOULD, LET'S SAY, WE
5 SELECT SOME TIER LEVEL, THAT THEY WOULD COME THROUGH
6 THE BOARD ON A CASE-BY-CASE BASIS.

7 I THINK WHAT LENDS ITSELF TO SOME
8 INTERPRETATION, THOUGH, WOULD BE AT WHAT POINT DOES
9 THE BOARD TAKE UP ON A CASE-BY-CASE THE ISSUE OF
10 WHETHER WE WANT TO SEE A PARTICULAR PERMIT IN SOME
11 PARTICULAR TIER COME THROUGH THIS COMPLIANCE PROCESS
12 UNDER 1299.

13 I WOULD HATE TO HAVE A PROCESS COMPLETE
14 ITSELF, A COMPLIANCE PLAN PUT FORWARD, AND THEN IT
15 COME TO THE BOARD ON A CASE-BY-CASE REVIEW AND HAVE AT
16 THAT TIME US SAY, WELL, IN THIS PARTICULAR CASE WE'RE
17 NOT COMFORTABLE WITH THIS COMPLIANCE PLAN APPROACH SO
18 WE WOULD LIKE TO SEE IT BE HANDLED MORE TRADITIONALLY.

19 I THINK THE CASE-BY-CASE REVIEW, IF

CALIFORNIA SHORTHAND REPORTING

1 THERE'S GOING TO BE ONE, SHOULD OCCUR VERY EARLY IN
2 THE PROCESS, WHERE WHEN AN LEA HEARS FROM AN OPERATOR
3 THAT THEY HAVE AN EXPANSION OF A FACILITY, OR A NEW
4 COMPOSTING OPERATION AND THEY'D LIKE TO BRING IT
5 THROUGH THIS PROCESS, BEFORE ANY COMPLIANCE WORK IS
6 EVEN DEVELOPED THAT SOMEHOW THERE BE A NOTIFICATION
7 PROCESS TO US, AND WE CAN RENDER A DECISION RIGHT
8 THERE. THAT ON THIS PARTICULAR CASE WE ARE
9 COMFORTABLE OR NOT COMFORTABLE IN HAVING THAT PERMIT
10 PROCEED FORWARD UNDER THE 1299 PROCESS, OR PROCEED
11 FORWARD UNDER OUR PROCESS.

12 SO, I THINK IT'S A GOOD QUESTION,
13 BECAUSE I THINK THE CASE-BY-CASE HAS SOMETIMES BEEN --
14 AT LEAST EXPLAINED TO ME, THAT IT WOULD OCCUR MORE --

15 MEMBER EATON: AT THE LATTER END OF THE
16 PROCESS?

17 MR. CHANDLER: -- AS THE PROJECTS COME
18 FORWARD, UNDER THIS PROCESS IT WOULD THEN BE BEFORE
19 THE BOARD ON A CASE-BY-CASE BASIS. AND I DON'T KNOW

CALIFORNIA SHORTHAND REPORTING

1 HOW THAT WOULD ALL WORK OUT.

2 MS. TOBIAS: I THINK THAT THIS WOULD HAVE TO
3 OCCUR AT THE START OF THE PROCESS, THAT YOU COULDN'T
4 BASICALLY GO INTO IT AND PULL IT BACK OUT. SO I THINK
5 THERE WOULD HAVE TO BE SOME KIND OF MECHANISM.

6 AND MAYBE SUZANNE WANTS TO SPEAK TO THAT
7 IN TERMS OF DECIDING WHEN SOMEBODY COMES IN AND SAYS
8 WE'RE READY TO START THIS, AND WE WANT TO GO THROUGH
9 THIS PROCESS, BASICALLY EITHER THE EXECUTIVE DIRECTOR
10 OR SOMEBODY DECIDES, YES, THAT'S FINE.

11 I DON'T KNOW IF WE'RE ANTICIPATING EACH
12 ONE OF THOSE COMING TO THE BOARD. I THINK THAT GETS
13 INTO KIND OF AN INTERESTING QUESTION AS TO ARE WE
14 HELPING EXPEDITE THIS PROCESS, OR IS THIS ACTUALLY A
15 LONGER PROCESS THAN JUST GETTING IN AND GETTING YOUR
16 PERMIT. SO, I THINK THAT HAS TO BE KIND OF TAKEN INTO
17 ACCOUNT ON THAT --

18 MS. RCE: THE ONLY THING THAT I WOULD ADD IS
19 I THINK THAT'S WHY WE'RE BRINGING ALL THESE DIFFERENT

CALIFORNIA SHORTHAND REPORTING

1 SPECIFIED DECISIONS.

2 THE FIRST ONE WAS A BIGGER DECISION OF
3 ALL THE TYPES OF PERMITS THAT THE BOARD CURRENTLY
4 CONCURS IN, WHICH ARE YOU INTERESTED IN HAVING BE PART
5 OF THIS PROGRAM, GENERALLY, NOT ON THE CASE-BY-CASE
6 BASIS, IF THERE ARE ANY.

7 IF THERE AREN'T, WE WERE LOOKING FOR A
8 DECISION POINT THERE IN TERMS OF, SAY, YOU'RE TALKING
9 ABOUT THE FULL PERMIT. IF YOU WOULD ONLY BE
10 COMFORTABLE LOOKING AT THAT ON A CASE-BY-CASE BASIS,
11 WHAT I BELIEVE WE ENVISIONED WAS AN APPLICANT COMES
12 FORWARD AND IS INTERESTED IN
13 USING THIS PROCESS FOR A PARTICULAR FULL PERMIT. SAY
14 IT'S A LANDFILL, YOU WOULD DETERMINE ON A CASE-BY-CASE
15 BASIS WHETHER YOU WANTED THAT FACILITY TO GO THROUGH
16 THE PROCESS.

17 IN OTHER WORDS, THE FIRST DECISION WAS
18 WHAT PERMITS ARE GENERICALLY IN AND WHICH
19 ARE DEALT WITH ON A CASE-BY-CASE BASIS. AND THEN THE

CALIFORNIA SHORTHAND REPORTING

1 SECOND QUESTION IS, ONCE YOU'VE DECIDED THE CASE-BY-
2 CASE WHAT IS THE PROCESS FOR DOING THAT. DO YOU BRING
3 IT TO THE BOARD FOR THAT DECISION, OR IS THERE SOME
4 OTHER PROCESS?

5 CHAIRMAN PENNINGTON: MEMBER JONES?

6 MEMBER JONES: I THINK THAT THAT ILLUSTRATION
7 OF A LANDFILL IS PROBABLY THE BEST ILLUSTRATION. THE
8 WAY I READ THIS PROCESS, SOMEBODY DOES A COMPLIANCE
9 PLAN, GETS IT TO US, AND GETS IT TO EVERY AFFECTED
10 AGENCY, AND THEY HAVE 45 DAYS TO ACT. OKAY?

11 SWEETESER LEFT THE ROOM. BUT,
12 OSTROMROAD (PHONETIC) TOOK NINE YEARS --

13 MR. CHANDLER: 13 TOTAL

14 MEMBER JONES: BUT, I MEAN, NINE WHEN WE
15 KICKED IT UP? NINE YEAWE'RE TALKING ABOUT 45 DAYS.
16 NOW, NINE YEARS IS ENTIRELY TOO LONG, THERE'S NO DOUBT
17 ABOUT IT. FORTY-FIVE DAYS, IT SENDS SHIVERS UP MY
18 SPINE, BECAUSE IT WILL LEND ITSELF TO LAW SUITS. IT
19 TALKS ABOUT THE PEOPLE'S RIGHT TO BE INCLUDED IN THE

CALIFORNIA SHORTHAND REPORTING

1 PROCESS. OKAY?

2 I HAVE A PROBLEM WITH THAT DISPARITY. I
3 DON'T HAVE ANY PROBLEM WITH TRYING TO MAKE THINGS
4 EASIER, MOVE ALONG. BUT IN THE CASE OF LANDFILL THERE
5 ARE TRULY MULTIPLE STATE AGENCIES INVOLVED. THERE'S
6 THE WATER BOARD AND THE WASTE BOARD, AND UNDER 1220
7 THEY CAN WRITE A JOINT TECHNICAL DOCUMENT. RIGHT?
8 WHICH I THINK THERE'S STATUTE ON, AND REGS, AND ALL
9 SORTS OF LITTLE FORMATS. THE AIR BOARD WOULD PROBABLY
10 GET INVOLVED, AND TOXICS WOULD GET INVOLVED. SO THAT
11 KIND OF MAKES SENSE TO ME, THAT YOU DO SOMETHING THERE
12 THAT INCLUDES A LOT OF PEOPLE INSTEAD OF JUMPING
13 THROUGH A LOT OF HOOPS.

14 WHERE I HAVE A PROBLEM IS THAT OUR
15 PROCESS RIGHT NOW, IF YOU WERE GOING TO BRING A
16 TRANSFER STATION FORWARD, YOU WOULD GET A CONDITIONAL
17 USE PERMIT LOCALLY, YOU WOULD GO OUT AND YOU WOULD
18 TALK TO THE LEA. YOU WOULD PROBABLY HAVE TO GO OUT
19 AND TALK TO A LOCAL AIR QUALITY DISTRICT JUST TO MAKE

CALIFORNIA SHORTHAND REPORTING

1 THEM AWARE. YOU'D HAVE TO DO A LOT OF THINGS. BUT
2 THE ONLY PERSON THAT GIVES THE PERMIT IS THIS BOARD.
3 THE ONLY ONE THAT CONCURS WITH THAT PERMIT IS THIS
4 BOARD.

5 BUT, UNDER THE MOU, BECAUSE THERE ARE
6 OTHER LOCAL AGENCIES THAT HAVE OVERSIGHT, DOES THAT
7 MEAN THAT OUR NORMAL FUNCTION OF CONCURRING AND NOT
8 CONCURRING WITH PERMITS IN A FORMAT THAT WE DEAL WITH
9 GETS THROWN OUT?

10 AND THAT -- WELL, YOU SAY NO. TELL ME
11 WHY NO.

12 MS. HAMBELTON: WELL, THE STATUTE SAYS THAT
13 ANYTHING THAT WE WOULD HAVE NORMALLY DONE WE STILL DO.

14 MEMBER JONES: WHICH IS CONCUR OR NOT CONCUR.

15 MS. HAMBLETON: RIGHT. SO THAT WOULD OCCUR.

16 THEN THE ONLY THING THAT -- THAT WOULD ONLY BE IN THE
17 45 DAYS. IN OTHER WORDS, THERE'S THIS NOTICE OF
18 INTENT WHERE THE APPLICANT SAYS, I'M GOING TO -- I'M
19 PLANNING ON PREPARING THIS FACILITY COMPLIANCE PLAN,

CALIFORNIA SHORTHAND REPORTING

1 THEY HAVEN'T DONE IT YET, BUT I'M PLANNING ON DOING
2 IT.

3 AND THEN THERE'S THE DRAFT STAGE --

4 MEMBER JONES: THAT'S 60 DAYS.

5 MS. HAMBLETON: IT'S 60 DAYS --

6 MEMBER JONES: PRIOR TO GETTING A --

7 MS. HAMBLETON: THE FINAL.

8 MEMBER JONES: OKAY. SO NOW WE'RE AT 105
9 DAYS. I JUST WANT TO PUT --

10 MS. HAMBLETON: RIGHT.

11 MEMBER JONES: -- THAT LITTLE PORTION OF THE
12 13 YEARS. OKAY.

13 MS. HAMBLETON: OKAY. BUT ALSO BE AWARE THAT
14 THE CEQA COMPLIANCE HAS ALREADY OCCURRED, WHICH
15 PROBABLY WAS SEVEN OR EIGHT YEARS OF THAT 13,
16 POSSIBLY, I DON'T KNOW.

17 MEMBER JONES: BUT HOW DOES IT OCCUR WITHOUT
18 A PROJECT DESCRIPTION? AND WITHOUT A PLAN?

19 MS. HAMBLETON: WELL, THEY HAVE THEIR OWN --

CALIFORNIA SHORTHAND REPORTING

1 I MEAN, CEQA'S SORT OF SEPARATE FROM THIS. WHAT I'M
2 ENVISIONING -- WHAT HAPPENS IS THAT THE RSI USUALLY
3 COMES OUT OF THE CEQA DESCRIPTION, SO THE CEQA COMES
4 FIRST.

5 MEMBER JONES: THAT IS PART OF IT. I MEAN,
6 IT'S PART OF IT.

7 MS. HAMBLETON: RIGHT.

8 MEMBER JONES: AND THEN IT GETS TWEAKED.

9 TODAY WE LOOKED AT B&J DROP BOX. OKAY?
10 AND WHAT WE APPROVED WAS THE APPLICATION FOR THE
11 FACILITY BASED ON TWO PAGES OF CONDITIONS. THE
12 CONDITIONS WERE PUT ON BY THE LEA.

13 MS. HAMBLETON: RIGHT.

14 MEMBER JONES: WE CONCURRED WITH THEIR
15 CONDITIONS.

16 WHAT I'M READING AS 1299 IS THAT THE LEA
17 OR THE WASTE BOARD COULD PUT ON CONDITIONS, BUT IT IS
18 REALLY THE OPERATOR'S JOB, OR THE PROPONENT'S JOB TO
19 INCLUDE THOSE ISSUES IN A COMPLIANCE PLAN.

CALIFORNIA SHORTHAND REPORTING

1 MS. HAMBLETON: THAT'S CORRECT.

2 MEMBER JONES: AND I'M JUST -- THAT'S
3 CONTRADICTORY TO OUR STATUTES, FIRST OFF, FOR US.
4 BECAUSE WE ARE NOT ALLOWED TO ADD CONDITIONS.

5 SO, IN THAT CASE, WHICH STATUTE DO WE
6 DECIDE TO PICK FOR THAT ONE? OUR EXISTING ONE OR THIS
7 ONE?

8 MS. HAMBLETON: WELL, WE GO BACK TO THE TEST.

9 MEMBER JONES: THERE YOU HAVE THE TEST, THIS
10 WORKS FOR ME, THIS DON'T WORK FOR YOU.

11 BUT, YOU KNOW WHAT I'M SAYING? IT IS --
12 THE WAY I READ THIS THING, WE DON'T HAVE THE RIGHT TO
13 PUT CONDITIONS ON UNDER OUR STATUTES. BUT, WHEN I
14 READ 1299, WE ACTUALLY HAVE THE OBLIGATION TO PUT
15 CONDITIONS ON.

16 MS. HAMBLETON: WELL, 1299 ACTUALLY SAYS THE
17 PERMITTING AUTHORITY. AND I KNOW WHEN THIS WAS
18 WRITTEN I DON'T THINK IT ENVISIONED THE RELATIONSHIP
19 THAT WE HAVE WITH THE LEAS. BECAUSE, WE DO HAVE A

CALIFORNIA SHORTHAND REPORTING

1 DIFFERENT RELATIONSHIP THAN ALL THE OTHER BOARDS AND
2 DEPARTMENTS, BASICALLY.

3 BUT, IT SAYS THE PERMITTING AUTHORITY
4 CAN PUT CONDITIONS ON. AND WE ARE LISTED AS A
5 PERMITTING AUTHORITY, AS WELL AS THE LEA.

6 MS. TOBIAS: AND I WANT TO SAY THAT I'M NOT
7 SURE THAT THE LEGAL OFFICE IS GOING TO BASICALLY COME
8 OUT WITH AN INTERPRETATION THAT SAYS THAT UNDER THIS
9 PARTICULAR PROCESS WE'RE THE PERMITTING AUTHORITY AND
10 THAT YOU CAN PUT ON PERMIT CONDITIONS, AND IN OUR
11 NORMAL ONE YOU CAN'T. SO, I THINK THIS IS SOMETHING
12 THAT, AS FAR AS THE LEGAL OFFICE IS CONCERNED, IT'S UP
13 IN THE AIR ON THAT CONDITIONS ISSUE.

14 MR. EATON: WELL, I THINK PERHAPS ALSO WE
15 KIND OF GO BACK TO WHAT THE ORIGINAL INTENT WAS OF SB
16 1299, AND THAT'S REALLY A STREAMLINE APPROACH. AND I
17 THINK THAT SENATOR PEACE, DURING THAT TIME, WAS
18 COMPLETELY INSIGHTFUL AND VISIONARY IN THE FACT OF
19 TRYING TO MAKE THIS STREAMLINED.

CALIFORNIA SHORTHAND REPORTING

1 I THINK HOW WE LOOK AT HOW WE FIT THIS
2 INTO OUR SCHEME IS THAT THE REGISTRATION PERMIT, AND
3 ONLY THE REGISTRATION PERMIT AT THIS TIME, SEEMS TO
4 FIT WITHIN THAT TIME FRAME. AFTER ALL, IF IT'S
5 EXPEDIENCY, STREAMLINING AND NOT HAVING SOME OF THESE
6 TECHNICAL QUESTIONS GO UP....

7 AND, I MUST REMIND YOU, IT IS A PILOT
8 PROGRAM. SO IT'S NOT LIKE THAT WHAT WE HAVE -- SO, I
9 THINK AS YOU -- SORT OF AS WE ENTER THE COLD WATER, OR
10 THE HOT WATER, OR THE WARM WATER, THAT MAYBE WE DO IT
11 ONE TOE AT A TIME, AND MAYBE JUST AT THE PRESENT TIME
12 JUST GO REGISTRATION AND SEE HOW THAT GOES, AND WE TRY
13 AND WORK ON SOME OF THESE OTHER PROBLEMS.

14 MEMBER JONES: I DON'T HAVE ANY PROBLEM WITH
15 THAT. I DON'T WANT TO SEEM -- YOU KNOW, I AGREE WITH
16 YOU. THIS WAS AN INDUSTRIAL DEVELOPMENT BILL. IT WAS
17 TO HELP MOVE, INDUSTRIAL DEVELOPMENT, I DON'T THINK IT
18 WAS TO CONSOLIDATE OUR PERMITTING AUTHORITY.

19 I TAKE A LITTLE BIT OF -- I KIND OF

CALIFORNIA SHORTHAND REPORTING

1 WONDER WHERE -- SOME OF THE THINGS THAT YOU WANTED
2 DECISIONS ON, ONE OF THEM WAS SHOULD THE BOARD CONCUR
3 WITH THE FACILITY COMPLIANCE PLAN OR SHOULD WE
4 DELEGATE IT TO THE EXECUTIVE DIRECTOR. SEEMS TO ME
5 THAT UNDER STATUTE THE ONLY PERSON THAT CAN -- THE
6 ONLY GROUP OR ENTITY HERE THAT CONCUR WITH THE PERMIT,
7 IF IT'S A FULL PERMIT OR SOMETHING LIKE THAT IS THE
8 BOARD.

9 RIGHT?

10 MS. HAMBLETON: I'M LOOKING OVER THERE.

11 MS. TOBIAS: I THINK GENERALLY THAT'S THE
12 CASE. I THINK THAT THE WAY WE HAD INTERPRETED
13 STANDARDIZED PERMITS, FOR EXAMPLE, WITH RECOMMENDING
14 THAT THOSE COULD BE ISSUED, IS THAT THE MORE
15 MINISTERIAL A PERMIT BECOMES THE MORE YOU HAVE THE
16 POSSIBILITY AS A LEGISLATIVE BODY TO DELEGATE THAT TO
17 AN ADMINISTRATOR.

18 BECAUSE, IF YOU SET OUT THE GUIDELINES
19 AND CONSTRAIN THAT ADMINISTRATOR'S ABILITY, THEN THERE

CALIFORNIA SHORTHAND REPORTING

1 ARE SOME THINGS YOU CAN DELEGATE. SO A STANDARDIZED
2 PERMIT, BY VIRTUE OF ITS NAME, YOU KNOW, WE BROUGHT TO
3 YOU THE POSSIBILITY BEFORE OF DELEGATING THAT TO THE
4 EXECUTIVE DIRECTOR. BECAUSE, IT FITS INTO THAT
5 PARAMETER.

6 I DON'T SEE ANY ABILITY TO DELEGATE A
7 FULL PERMIT CONCURRENCE TO THE EXECUTIVE DIRECTOR. I
8 DON'T THINK THAT'S A POSSIBILITY. BUT, I DO THINK, AS
9 YOU GET SOMETHING INTO THE FACT THAT'S MORE
10 STANDARDIZED, OR A SET, OR MORE OF A MINISTERIAL
11 PERMIT, THEN THAT'S MORE OF A POSSIBILITY.

12 MS. JONES: BECAUSE IT GOES TO THE HEART OF
13 1299, 1299 SAYS THAT WE HAVE A RIGHT -- WHERE PERMITS
14 ARE DISCRETIONARY, THEN THE BOARDS WILL DO THEIR DUE
15 DILIGENCE, DO THEIR JOB, AND EITHER VOTE IT UP OR
16 DOWN.

17 SO, IF IT IS -- IF WE'RE LOOKING AT IT
18 THAT WAY, THAT IN FACT THERE IS -- THAT IT IS
19 DISCRETIONARY, THEN I DON'T THINK YOU TURN -- I DON'T

CALIFORNIA SHORTHAND REPORTING

1 THINK -- I UNDERSTAND WHAT YOU'RE SAYING. I DON'T
2 THINK YOU CAN TURN THAT DISCRETIONARY ACTION OVER
3 BECAUSE IT'S NOT MINISTERIAL -- DO YOU KNOW WHAT I
4 MEAN? -- AT THAT POINT. AND, BECAUSE I DON'T HAVE
5 ANY PROBLEM WITH TURNING OVER THE REGISTRATION TIER
6 AND THEN WORKING THROUGH THIS THING.

7 I DO HAVE A -- I DO AGREE WITH THE
8 DISCUSSION ON CASE-BY-CASE, BECAUSE I THINK YOU NEED
9 TO SEE IT IMMEDIATELY WHEN IT'S PROPOSED TO DETERMINE
10 WHO THE AGENCIES ARE INVOLVED IN THIS THING, AND WHAT
11 IS IT GOING TO LOOK LIKE.

12 AND THE OTHER THING IS THAT IF THE ZONE
13 ADMINISTRATOR IN -- I THINK WAS KERN, THERE'S FOUR OF
14 THEM LISTED, I THINK ONE OF THEM WAS KERN COUNTY,
15 CALLS A MEETING TO GET THE PARTIES TOGETHER, I'M
16 ASSUMING THAT THAT MEANS YOU GUYS HAVE TO GO DOWN
17 THERE?

18 WELL, I MEAN, IT WOULD SEEM TO ME THAT
19 THAT WOULD HAVE SOME IMPLICATIONS ON THE WAY WE DO

CALIFORNIA SHORTHAND REPORTING

1 BUSINESS. BECAUSE, A LOT OF THAT STUFF BETWEEN THE
2 LEA AND THE OPERATOR IS DONE BY THE PHONE. AND IF THE
3 ZONE ADMINISTRATOR DECIDES HE WANTS TO HAVE THESE IN-
4 PERSON MEETINGS EVERY WEEK, THEN THAT MEANS PEOPLE
5 FROM THE STAFF ARE GOING TO HAVE TO GO DOWN THERE
6 EVERY WEEK TO PARTAKE IN THAT.

7 AND MAYBE THAT'S OKAY. BUT I'M JUST --
8 I JUST THINK WE NEED TO BE AWARE THAT IT IS A CHANGE
9 IN THE WAY THAT WE WOULD NORMALLY DEAL WITH THESE
10 THINGS. AND THAT WOULD JUST -- YOU KNOW, HOW MUCH AT
11 THEIR BECK AND CALL ARE YOU? I MEAN, JUST -- YOU JUST
12 MIGHT WANT TO THINK ABOUT IT.

13 MS. TOBIAS: WELL, I THINK ALONG WITH THAT
14 THE BOARD MAY WANT TO -- EITHER NOW OR AT SOME POINT
15 IN THE FUTURE -- COME UP WITH SOME KIND OF GUIDELINES
16 AS TO WHAT KINDS OF PERMITS THEY'D EITHER LIKE TO
17 NEVER SEE SENT THROUGH THE PROCESS, OR MOSTLY SENT
18 THROUGH THE PROCESS.

19 FOR INSTANCE, I HEARD MR. FRAZEE BRING

CALIFORNIA SHORTHAND REPORTING

1 UP A CONCERN -- AND I'M NOT SURE IT'S ENOUGH TO
2 WARRANT THIS BUT -- AT THE COMMITTEE MEETING, IF WE
3 ARE THE ONLY STATE AGENCY INVOLVED AND ALL THE REST OF
4 THEM ARE LOCAL AGENCIES, PERHAPS THOSE ARE ONES THAT
5 WE REALLY WOULDN'T SEE PUTTING THROUGH THIS PROCESS.
6 SO THERE'S ONE GUIDELINE ALREADY.

7 MEMBER JONES: THAT'S HOW I INTERPRETED IT.

8 MS. TOBIAS: PERHAPS ANOTHER ONE IS, IS THAT
9 AT THIS TIME WE DON'T SEE ANY FULL SOLID WASTE
10 FACILITY PERMITS FOR NEW LANDFILLS GOING THROUGH THIS
11 PROCESS.

12 SO, I DO THINK THERE ARE MAYBE SOME
13 LINES THAT WE COULD DRAW, OR SOME GUIDELINES THAT WE
14 COULD COME UP WITH THAT MIGHT HELP APPLICANTS OR
15 OPERATORS WHO ARE COMING THROUGH THE PROCESS TO KIND
16 OF SAY, WELL, YOU KNOW, THIS LOOKS LIKE A GOOD ONE
17 MAYBE FOR THE BOARD TO TRY, LET'S GO IN AND LET'S ASK
18 THEM IF THIS IS ONE THAT THEY COULD PUT THROUGH THIS
19 PROCESS. OR, THEY SHOULD KNOW AHEAD OF TIME THAT, NO

CALIFORNIA SHORTHAND REPORTING

1 WAY, AND NOT WASTE THEIR TIME.

2 CHAIRMAN PENNINGTON: OKAY. WE HAVE SOME
3 COMMENTS FROM THE AUDIENCE. MR. EVAN EDGAR, PLEASE?

4 MR. EDGAR: THANK YOU CHAIRMAN, AND BOARD
5 MEMBERS. MY NAME IS EVAN EDGAR OF EDGAR ASSOCIATES.

6 WHEN SB 1299 PASSED I WAS PRETTY
7 EXCITED, BECAUSE THEY'D JUST PASSED AB 1220 FOR
8 LANDFILLS AND IT WAS WORKING. WE GOT A LOT OF BENEFIT
9 OUT OF IT.

10 WHEN I FIRST LOOKED AT SB 1299 I LOOKED
11 AT IT FOR DIVERSION FACILITIES, AND ESPECIALLY FOR NEW
12 FACILITIES FOR CALIFORNIA. I THINK THE INTENT IS
13 ALWAYS FOR LESSER NEW FACILITIES, NOT FOR LANDFILLS,
14 AND THAT IT WAS SUPPOSED TO BE SOME TYPE OF PERMIT
15 STREAMLINING. IT HAD REALLY GOOD INTENTIONS AND IT
16 WAS SUPPOSED TO BE A VOLUNTARY PROGRAM.

17 I LIKED IT SO MUCH THAT I WENT TO ALL
18 THE WORKING GROUP MEETINGS IN 1996 AND 1997 WITH MS.
19 KENNEY AND MR. KEN SELLOVER, ABOUT HOW TO IMPLEMENT

CALIFORNIA SHORTHAND REPORTING

1 THIS PLAN.

2 AND, IN FACT, IN 1996 I WROTE A FACILITY
3 COMPLIANCE PLAN FOR A 10,000-CUBIC YARD FACILITY, A
4 REGISTRATION PERMIT. I COMBINED AIR, WASTE AND WATER
5 IN ONE STAND-ALONE DOCUMENT, AND GOT IT DONE IN THREE
6 MONTHS.

7 SO, I THINK THE INTENT WAS FOR DIVERSION
8 FACILITIES THAT ARE NEW, AND IT HAS SOME BENEFIT. SO,
9 1299 CAN WORK, AND UNDER A TRIAL BASIS, FOR THE
10 REGISTRATION PERMIT ALONE.

11 I DON'T EVER SEEING IT WORK FOR ANY
12 STANDARDIZED OR ANY FULL PERMIT THAT WOULD BE A
13 DISCRETIONARY ACTION THAT WOULD BE BY THIS WASTE
14 BOARD. I THINK IF IT'S GOING TO BE DELEGATED ON A
15 MINISTERIAL LEVEL TO THE LEA, THAT IT CAN BE PARLAYED
16 INTO A 1299 PROGRAM. I THINK IT CAN WORK.

17 I GUESS ALL CAL EPA IS SAYING IS GIVE
18 PEACE A CHANCE. THANK YOU.

19 CHAIRMAN PENNINGTON: BRUCE, DID YOU WANT TO

CALIFORNIA SHORTHAND REPORTING

1 SAY ANYTHING? OKAY.

2 OKAY. IS THERE MORE DISCUSSION HERE?

3 IF NOT --

4 MS. HAMBLETON: I ACTUALLY WANTED TO

5 HAVE -- I WANTED TO MAKE ONE MORE COMMENT.

6 I DON'T ENVISION THAT THERE WILL BE THAT

7 MANY PROJECTS COMING THROUGH WITH THIS PROJECT FOR

8 SOLID WASTE. SO IN A WAY I'M -- ALTHOUGH WE DON'T

9 HAVE A STAFF RECOMMENDATION, I WANTED TO ENCOURAGE YOU

10 TO -- BECAUSE IT'S A PILOT PROJECT, MAYBE JUST TRY THE

11 THINGS THAT -- SEE WHAT COMES THROUGH ON A CASE-BY-

12 CASE BASIS, SEE WHAT IT IS, AND THEN DETERMINE THEN,

13 INSTEAD OF SHUTTING THE DOOR BEFORE WE EVEN HAVE AN

14 OPPORTUNITY TO SEE WHAT KIND OF PROJECTS MIGHT COME

15 THROUGH, IF ANY.

16 MEMBER EATON: I DON'T THINK YOU HAVE TO SHUT

17 THE DOOR. I THINK WHAT YOU CAN DO IS MAKE SURE THAT

18 THERE'S A WELCOME MAT OUT SO THAT YOU CAN GET THROUGH

19 THE DOOR.

CALIFORNIA SHORTHAND REPORTING

1 AND I THINK SOME OF THE QUESTIONS THAT
2 COME THERE, FROM WHAT I HEARD TODAY, AFTER YOU GET BY
3 SOME OF YOUR DECISIONS WHICH PERMITS ARE ELIGIBLE, YOU
4 NEVER GET TO THE OTHER QUESTIONS IF YOU DEAL WITH JUST
5 THE REGISTRATION TIER AS A PILOT PROJECT. I THINK
6 THAT'S WHERE WE WANT TO BE.

7 THE MOU AND ANY OF THE OTHER THINGS CAN
8 BE AMENDED AS THEY COME ALONG, AND DIALOGUE, AND WE
9 GET SOME OF THESE THINGS WORKED OUT. I THINK THAT'S
10 PERFECTLY WITHIN THE FRAMEWORK BY WHICH THE AUTHOR AND
11 THOSE WHO WERE INITIALLY IN ON IT SOUGHT TO GO IN
12 STREAMLINING AND THEN YOU'RE 45 DAYS AND OUT.

13 I THINK THAT'S WHERE WE SHOULD GO TODAY,
14 AND I WOULD ACTUALLY FRAME A MOTION SUCH THAT WOULD
15 SAY THAT FOR PURPOSES OF THIS ITEM THAT WE OFFER UP
16 INTO THE MOU THE REGISTRATION PERMIT ONLY.

17 CHAIRMAN PENNINGTON: OKAY.

18 MS. TOBIAS: MR. PENNINGTON, ONE OF THE
19 DECISIONS THAT I DO THINK WE NEED TODAY IS WHETHER YOU

1 ARE GOING TO HAVE THE EXECUTIVE DIRECTOR SIGN THE MOU
2 OR NOT. THAT IS SOME DIRECTION THAT WE DO NEED TODAY.

3 CHAIRMAN PENNINGTON: CAN YOU PUT IT ALL ON
4 ONE MOTION? OR, DO YOU WANT US TO --

5 MS. TOBIAS: I DON'T HAVE A NEED FOR ONE
6 SINGLE MOTION.

7 I JUST WANTED TO POINT OUT -- I WASN'T
8 SURE EXACTLY WHERE WE WERE GOING, BUT I DID WANT TO
9 SAY THAT WAS ONE THING WE NEEDED TO ADDRESS.

10 CHAIRMAN PENNINGTON: STATE YOUR MOTION
11 AGAIN.

12 MEMBER EATON: THAT I WOULD MOVE THAT, FOR
13 PURPOSES OF AGENDA ITEM 10, THE MOU, THAT WE WOULD
14 ENTER INTO -- INCLUDE THE REGISTRATION PERMIT ONLY.
15 AND THAT -- I THINK THAT'S IT.

16 CHAIRMAN PENNINGTON: MS. KENNEY WANTS TO
17 SPEAK TO THIS. DO YOU WANT TO HAVE HER SPEAK WHILE
18 YOU'RE WORKING ON THAT?

19 GO AHEAD.

CALIFORNIA SHORTHAND REPORTING

1 MS. KENNEY: MY NAME'S CHRIS KENNEY FROM CAL
2 EPA. AND I JUST WANTED TO KIND OF REEMPHASIZE AGAIN
3 SOME OF THE THINGS THAT SUZANNE SAID AND STAFF HAD
4 SAID.

5 THAT IT IS A PILOT PROJECT, AND WE DO
6 HAVE REPORTS TO MAKE BACK TO THE LEGISLATURE ON THE
7 PROGRESS OF THE LEGISLATION. SO WE WOULD LOOK TO
8 ASKING THE BOARD TO KEEP AN OPEN MIND ON WHAT WE CALL
9 THIS CASE-BY-CASE.

10 I EXPECT VERY, VERY FEW, IF ANY,
11 PROJECTS THAT WOULD INVOLVE INTEGRATED WASTE BOARD.
12 BUT I'D LIKE YOU TO CONSIDER THAT, IN FACT, IF WE DID
13 GET ONE FOR A TRANSFER STATION OR SOMETHING LIKE THAT,
14 YOU WOULD LOOK AT IT FROM DAY ONE, EARLY ON IN THE
15 PROCESS, AND SIT DOWN AND SAY CAN THIS WORK. AND NOT
16 TO SHUT THE DOOR.

17 IF YOU ONLY PUT IT ON REGISTRATIONS THEY
18 FEEL LIKE YOU'RE SHUTTING THE DOORS ON POSSIBILITIES.
19 WE'RE SEEING IF 1299 NEEDS TO WORK -- CAN WORK, OR IF

CALIFORNIA SHORTHAND REPORTING

1 IT NEEDS SOME AMENDMENTS TO IT OR WHATEVER. SO I
2 WOULD ENCOURAGE YOU TO LEAVE THE DOOR OPEN.

3 MEMBER EATON: OH, I BELIEVE THE DOOR IS
4 OPEN. I JUST THINK FOR TODAY WHAT WE'RE LOOKING AT
5 IS, WE JUST -- IN KEEPING WITH THE AUTHOR'S
6 LEGISLATIVE INTENT, AS WELL AS OTHER KINDS OF THINGS,
7 THE REGISTRATION PERMIT IS THE FIRST ONE TO OFFERED
8 UP. AND IF THERE ARE OTHER OCCASIONS, THAT WE WOULD
9 BE WILLING TO CONSIDER THOSE.

10 MS. KENNEY: TO CONSIDER, NOT TO EXCLUDE
11 THEM. BECAUSE PART OF THE AGREEMENT, WHEN YOU SIGN
12 IT, YOU HAVE A LIST, AN ATTACHMENT --

13 MEMBER EATON: CORRECT.

14 MS. KENNEY: -- THAT THESE ARE THE PERMITS.

15 MEMBER EATON: CORRECT. BUT THAT WOULDN'T BE
16 PART OF THE AGREEMENT.

17 MS. KENNEY: IT IS PART OF THE AGREEMENT.

18 MEMBER EATON: WELL, NOT PART OF --

19 MS. KENNEY: IT'S NOT PART OF MY MOTION. MY

CALIFORNIA SHORTHAND REPORTING

1 MOTION IS THAT THE REGISTRATION PERMIT IS WHAT WE
2 WOULD MAKE IT PART OF THE AGREEMENT.

3 CHAIRMAN PENNINGTON: BUT WE WOULD LOOK AT
4 THE OTHERS ON A CASE-BY-CASE BASIS AND SEE IF THEY
5 FIT, AND WE COULD SEND THEM THROUGH. IS THAT --

6 MEMBER EATON: NO. NO, IT WOULD BE JUST
7 REGISTRATION ONLY. BECAUSE THEN WE HAVE TO GET TO THE
8 OTHER DECISIONS THAT TAKE PLACE. THE REGISTRATION
9 ONLY FITS NICELY INTO THIS.

10 IF THERE IS A NEED, THEN WE COULD EITHER
11 ENTER INTO A SUBSEQUENT MOU WITH REGARD, OR ADD AN
12 ADDENDUM OR AN AMENDMENT AT SOME FUTURE TIME, IF THERE
13 WOULD BE THE CASE.

14 I THINK WE'RE DEALING IN HYPOTHETICALS.
15 THERE MAY NOT EVER COME A CASE WHERE ANY OF THESE
16 EITHER STANDARDIZED OR FULL PERMITS COME BEFORE IN
17 THIS PROCESS. SO, WHY EVEN GO THERE?

18 I THINK THAT WHAT WE WERE LOOKING FOR IS
19 TO ENCOURAGE PEOPLE TO GET INVOLVED IN THIS 1299

CALIFORNIA SHORTHAND REPORTING

1 PROCESS. THE EASIEST WAY TO DO THAT IS TO MAKE IT
2 EFFICIENT, AND THE WAY TO DO IT WITH EFFICIENT IS WITH
3 THE EASIEST PERMIT BY WHICH THOSE TIME FRAMES CAN BE
4 ACCOMMODATED WITHOUT TRYING TO THROW UP ROADBLOCKS.
5 THAT'S WHAT THE WHOLE STREAMLINING'S ABOUT. AND
6 REGISTRATION PERMITS FITS NICELY INTO THAT PARTICULAR
7 FRAMEWORK.

8 CHAIRMAN PENNINGTON: SO, YOUR MOTION IS TO -
9 -

10 MEMBER EATON: WOULD BE TO ENTER INTO THE MOU
11 WITH CAL EPA, AND WITH RESPECT TO THE REGISTRATION
12 PERMIT ONLY. AND THAT WE WOULD THEN BE AUTHORIZING
13 THE EXECUTIVE DIRECTOR TO SIGN THAT MOU ON BEHALF OF
14 THE BOARD. WITH THE MODIFICATIONS NECESSARY IN THE
15 SHEET THAT WAS HANDED OUT, WHICH WAS CALLED -- IF WE
16 MIGHT MAKE IT ATTACHMENT 1?

17 MS. HAMBLETON: SURE. IF I JUST MIGHT MAKE
18 ONE CORRECTION ON THAT? THE MOU IS WITH THE ZONE
19 APPLICANTS RATHER THAN WITH CAL EPA.

CALIFORNIA SHORTHAND REPORTING

1 MEMBER JONES: YOU DON'T HAVE TO SIGN ONE
2 WITH CAL EPA?
3 MS. KENNEY: NO.
4 MEMBER EATON: OKAY. WELL, WAIT THEN. NOW
5 I'M -- SO, ARE YOU SAYING THAT THIS PROPOSED MOU IS --
6 WOULD HAVE BEEN BETWEEN US, KERN COUNTY, BAKERSFIELD,
7 AND THOSE PEOPLE?
8 MEMBER JONES: WE HAVE --
9 MS. KENNEY: THERE WOULD BE --
10 MEMBER JONES: AND WE WOULD HAVE
11 PREDETERMINED --
12 MS. KENNEY: PERMITTING AUTHORITIES AND THE
13 ZONE APPLICANTS. CAL EPA HAS NO PERMITTING AUTHORITY.
14 MEMBER JONES: NO?
15 MS. KENNEY: YEAH.
16 CHAIRMAN PENNINGTON: WE ACTUALLY HAVE FOUR
17 OF THESE --
18 MS. HAMBLETON: CORRECT.
19 CHAIRMAN PENNINGTON: -- OR FIVE, OR

CALIFORNIA SHORTHAND REPORTING

1 WHATEVER.

2 MS. HAMBLETON: FOUR. AT THIS POINT IN TIME
3 THERE ARE FOUR.

4 CHAIRMAN PENNINGTON: OKAY.

5 MEMBER JONES: BUT WHAT ABOUT OUR AB 59
6 STUFF? IS THAT INCLUDED IN THIS SOME WAY?

7 MS. TOBIAS: THE APPEAL PROCESS TIME?

8 MEMBER JONES: YEAH. THAT'S --

9 MS. TOBIAS: YEAH, THAT'S THE -- THOSE ARE
10 THE AMENDMENTS THAT WE ARE ASKING MEMBER EATON TO PUT
11 IN THERE. SO IT BASICALLY SAYS THAT OUR
12 PARTICIPATION'S BASICALLY BASED -- PREDICATED ON THE
13 AGREEMENT OF ALL THE PARTIES TO ACKNOWLEDGE THAT OUR
14 APPEALS TIME IS LONGER THAN WHAT'S GENERALLY IN THIS.

15 MEMBER JONES: ONE OTHER THING THAT I READ IN
16 THE MOU WAS THAT -- OR, I THINK IT WAS IN THE MOU,
17 THAT THERE WAS A PARAGRAPH OR TWO THAT WE WOULD
18 CONTINUE TO WORK TOGETHER TO TRY -- THROUGH THIS PILOT
19 PROCESS TO TRY TO ENLARGE IT OR DO WHATEVER.

CALIFORNIA SHORTHAND REPORTING

1 WAS THAT IN THIS ONE?

2 MS. TOBIAS: YES, IT IS. IT'S NUMBER SIX,
3 PARAGRAPH SIX ON 10-21. OR PAGE FIVE, WHATEVER YOU'RE
4 LOOKING AT.

5 MEMBER JONES: OKAY. I THINK THAT WHAT
6 MEMBER EATON IS SAYING, BY JUST DOING THE REGISTRATION
7 TIER, AND IF WE SIGN THESE MOUS, UNDER NUMBER SIX
8 WE'RE AGREEING THAT WE WILL CONTINUE TO WORK TO GROW
9 THIS PROGRAM IF WE THINK WE SHOULD.

10 SO, I DON'T THINK IT'S NECESSARY -- I
11 MEAN, I KIND OF -- I THINK WITH THAT PARAGRAPH IN IT
12 AREN'T WE BOUND TO NEVER CLOSE THE DOOR?

13 MS. KENNEY: WELL, LET ME JUST MAKE -- ONE
14 OTHER STATEMENT THAT YOU MADE, MEMBER EATON. IT IS
15 NOT HYPOTHETICAL. THAT THERE WILL, IN FACT, BE A
16 PROJECT THAT WILL INVOLVE A INTEGRATED WASTE BOARD
17 AUTHORITY TO APPROVE -- OR, CONCUR, THAT WILL COME TO
18 ONE OF THE PARTS OF 1299. SO, IN THE NOT TOO DISTANT
19 FUTURE WE WILL BE BRINGING YOU AN ISSUE OF WILL YOU

CALIFORNIA SHORTHAND REPORTING

1 CONSIDER THIS TYPE OF PERMIT TO BE PART OF 1299.

2 MEMBER JONES: SO THERE IS ONE ALREADY IN THE
3 PIPELINE, BUT JUST A COUPLE -- OKAY.

4 IS IT A LANDFILL?

5 MS. KENNEY: NO.

6 MS. HAMBLETON: WELL, THERE -- ACTUALLY --

7 MEMBER JONES: A RECYCLING FACILITY?

8 MS. HAMBLETON: KERN COUNTY IS SPEAKING ABOUT
9 TWO POSSIBLE PROJECTS. SO, ONE IS A LANDFILL AND ONE
10 IS A TRANSFER STATION.

11 MS. KENNEY: OH, IS IT A LANDFILL?

12 MS. HAMBLETON: I DON'T KNOW VERY MUCH ABOUT
13 THEM. THEY'RE IN THE CONCEPTUAL STAGE. I DON'T KNOW
14 IF THEY'VE ALREADY COMPLETED CEQA. SO, IF THEY
15 HAVEN'T, THAT WOULD BE A LONG TIME BEFORE WE WOULD SEE
16 THESE PROJECTS.

17 BUT WHAT I'M HEARING IS THAT IF THEY
18 WERE TO FOLLOW THIS ROUTE, THAT I WOULD -- OR, WE
19 WOULD -- STAFF WOULD COME BACK AND -- AND AT THAT TIME

CALIFORNIA SHORTHAND REPORTING

1 WOULD COME BACK TO THE BOARD AND ASK IF YOU WOULD
2 CONSIDER THEM.

3 IS THAT WHAT I'M HEARING?

4 MEMBER EATON: WE WOULD SEEK TO AMEND THE MOU
5 WITH RESPECT TO THAT PARTICULAR PARTY.

6 MS. KENNEY: YEAH, THAT WOULD BE ONE WAY WE
7 COULD DO IT.

8 MS. HAMBLETON: OKAY.

9 MEMBER EATON: THAT'S WHAT IT WOULD BE,
10 BECAUSE IT'S THE MOU THAT GOVERNS. SO THAT WHAT WE
11 WOULD BE ABLE TO DO AT THAT POINT IS TO DRAFT THE MOU
12 IN SUCH A FASHION THAT MEETS NOT ONLY THE REQUIREMENTS
13 OF 1299, BUT ANY OF THESE OTHER ITEMS THAT HAVE COME
14 UP TODAY.

15 AND THAT'S ALL WE'RE LOOKING TO. IT'S
16 LIKE AN INDIVIDUAL CONTRACT. THAT IF -- YOU KNOW, IT
17 MAY VERY WELL WORK, AND WE WOULD BE ABLE TO DRAFT
18 THINGS WITH THEM. SO IT'S ACTUALLY EITHER CREATING A
19 -- I GUESS YOU WOULD SAY AN ADDENDUM AND/OR A WHOLLY

CALIFORNIA SHORTHAND REPORTING

1 NEW CONTRACT BASED UPON THE ITEM BEFORE US.

2 SO, THAT'S WHAT I MEANT BY KEEPING THE
3 DOOR OPEN. AND THAT'S PROBABLY A BETTER WAY TO
4 PROCEED.

5 MS. HAMBLETON: THANK YOU FOR THAT
6 CLARIFICATION.

7 MEMBER JONES: SECOND MEMBER EATON'S MOTION.

8 CHAIRMAN PENNINGTON: OKAY.

9 MEMBER FRAZEE: I WAS JUST GOING TO SUGGEST
10 THAT THERE MAY BE SOME VALUE FROM A PUBLIC RELATIONS,
11 GOOD FAITH STANDPOINT IN INCLUDING THAT POSSIBILITY,
12 AS THE RESOLUTION IS WRITTEN, ON A CASE-BY-CASE BASIS
13 OF TAKING FULL AND STANDARDIZED PERMITS. I THINK IF
14 YOU DON'T INCLUDE THOSE, THEN YOU CLOSE THE DOOR TO AN
15 APPLICANT TO EVEN CONSIDER IT ON A CASE-BY-CASE BASIS.

16 AND I WAS ONE WHO SAID, INITIALLY,
17 REGISTRATION PERMITS ONLY. BUT I -- THERE'S SOMETHING
18 TO BE SAID FOR SHOWING GOOD FAITH IN THIS DECISION.
19 YOU CAN ALWAYS SAY NO ON A

CALIFORNIA SHORTHAND REPORTING

1 CASE-BY-CASE BASIS, SO.

2 MS. TOBIAS: I THINK THERE'S SOMETHING TO
3 THAT, OF INSTEAD OF PUTTING IT IN A MOU, TO PUTTING IT
4 IN THE RESOLUTION AS THE INTENT OF THE BOARD. JUST AS
5 THE DISCUSSION REFLECTED, THAT IT WOULD BE SOMETHING
6 THAT THE BOARD WOULD BE WILLING TO TAKE UP.

7 I THOUGHT MEMBER EATON'S IDEA OF
8 BASICALLY DEALING THROUGH THE MOU WAS A GOOD ONE. I
9 THINK THE UPSIDE OF IT IS THAT WE HAVE AN MOU NOW
10 THAT'S STANDARDIZED, THAT WOULD BE OUT THERE WITH
11 EVERYBODY. SO IT REALLY SETS UP, I THINK, THE
12 EXPECTATION THAT WE WOULDN'T DEVIATING FROM IT TO A
13 GREAT EXTENT.

14 ON THE OTHER HAND, IT ALSO SAYS THAT WE
15 CAN SOMEWHAT TAILOR THE SITUATION TO WHATEVER'S COMING
16 IN, BECAUSE I THINK THERE IS A BIG DIFFERENCE BETWEEN
17 A REGISTRATION TYPE FACILITY, A TRANSFER STATION, AND
18 A LANDFILL.

19 SO, I THINK SOMETHING IN THE RESOLUTION

CALIFORNIA SHORTHAND REPORTING

1 THAT BASICALLY REFLECTED THAT IS A GOOD HALFWAY
2 MEASURE TO THAT. AND I THINK THAT'S BETTER THAN IN
3 THE MOU, PERSONALLY, THOUGH.

4 CHAIRMAN PENNINGTON: SO HOW DO WE DRAFT
5 THAT?

6 MS. TOBIAS: WELL, I THINK WE COULD EITHER --
7 I THINK WE UNDERSTAND THE INTENT OF WHAT MEMBER
8 EATON'S MOTION WAS, AND THE DISCUSSION THAT FOLLOWED
9 THAT WHERE HE BASICALLY ARTICULATED THE USE OF THE MOU
10 FOR THAT. SO, I THINK WE COULD DRAFT UP A PARAGRAPH
11 TO THAT RESOLUTION THAT WOULD REFLECT THAT IF THE
12 BOARD FEELS COMFORTABLE WITH US DOING THAT.

13 MEMBER EATON: YES, I THINK THAT MR. FRAZEE
14 IS ABSOLUTELY CORRECT IN THAT, IN THAT WE JUST KEEP
15 THOSE TWO SEPARATE, BUT THEY ARE A PART OF THE OVERALL
16 PACKAGE.

17 MEMBER FRAZEE: BUT DOESN'T THE RESOLUTION
18 SAY THAT IN ITS ENTIRETY NOW? DOES IT NEED --

19 MS. HAMBLETON: CURRENTLY THE RESOLUTION

CALIFORNIA SHORTHAND REPORTING

1 ACTUALLY STATES THAT -- THE WAY IT WAS DRAFTED, AND
2 THIS WAS JUST SORT OF GUESSWORK WHEN I DID DRAFT IT --
3 THAT THE STANDARDIZED AND THE FULL PERMIT WOULD BE
4 CONSIDERED ON A CASE-BY-CASE BASIS. BUT, THAT WOULD
5 BASICALLY HAVE TO BE -- SOUNDS LIKE IT WOULD HAVE TO
6 BE CHANGED TO WORD IT THE WAY MS. TOBIAS JUST SAID, A
7 LITTLE BIT. SO THAT CASE-BY-CASE ISN'T ACTUALLY
8 STATED.

9 MS. TOBIAS: WELL, ACTUALLY, IF YOU LOOK IN
10 THE "NOW, THEREFORE, BE IT RESOLVED" -- I'M ON PAGE
11 10-25 -- IT SAYS:

12 "THE STANDARDIZED AND FULL PERMIT TIER
13 COULD BE SUBSTITUTED BY A FACILITY COMPLIANCE
14 PLAN ON A CASE-BY-CASE BASIS CONDITIONED ON
15 THE APPROVAL OF THE BOARD."

16 WE COULD EITHER MOVE THAT SENTENCE TO A
17 WHEREAS, WHICH IS INSTEAD OF THE RESOLUTION PARAGRAPH
18 THE RATIONALE PARAGRAPH, AND JUST ADD IN THAT THAT
19 WOULD BE -- WHEN IT SAYS "CONDITIONED BY THE APPROVAL

CALIFORNIA SHORTHAND REPORTING

1 OF THE BOARD," CONDITIONED BY THE APPROVAL OF THE
2 BOARD BY AMENDING -- BY PROVIDING A NEW OR AMENDING
3 THE MOU TO --

4 MEMBER FRAZEE: WELL, YEAH. RIGHT --

5 MS. TOBIAS: -- PROVIDE FOR THAT --

6 MEMBER FRAZEE: -- THAT WOULD ACCOMPLISH IT.
7 SURE.

8 MS. TOBIAS: SO, THAT'S WHAT I WOULD SUGGEST,
9 IS BASICALLY MOVING THAT SENTENCE TO A WHEREAS
10 PARAGRAPH, PUT IN A PROVISION OF THE MOU IN THERE, AND
11 THEN GOING FROM THERE.

12 MEMBER FRAZEE: YEAH, BECAUSE I THINK WE
13 OUGHT TO LEAVE THAT DOOR OPEN A LITTLE BIT.

14 CHAIRMAN PENNINGTON: RIGHT.

15 MEMBER FRAZEE: AND YOU CAN ALWAYS SAY NO.

16 MEMBER JONES: AND WHEN WE SAY CASE-BY-CASE
17 BASIS, DO WE WANT TO FURTHER REITERATE THAT THAT'S
18 GOING TO BE AT THE BEGINNING OF THE PROCESS? OR, IS
19 THERE A NEED --

CALIFORNIA SHORTHAND REPORTING

1 MS. TOBIAS: SURE.

2 MEMBER JONES: -- TO DO THAT? I THINK THERE
3 IS --

4 MS. TOBIAS: I THINK IT WOULD BE GOOD TO SAY
5 THAT. I THINK THAT'S CERTAINLY OUR INTENT. I REALLY
6 WOULD FEEL LIKE THAT WOULD NOT BE GOOD FOR ANY
7 OPERATOR/APPLICANT TO GET ALL THE WAY THROUGH THE
8 PROCESS AND FIND OUT WE DIDN'T WANT TO DO IT THAT WAY.
9

10 SO, WE'LL PUT SOMETHING IN THERE THAT
11 BASICALLY SAYS, YOU KNOW, PRIOR TO STARTING THIS
12 PROCESS UNDER --

13 CHAIRMAN PENNINGTON: WE WOULD HAVE TO DO
14 THAT, THOUGH, WOULDN'T WE?

15 MS. TOBIAS: -- SB 1299, ET CETERA. BUT I
16 REALLY THINK THAT'S HOW IT'S SUPPOSED TO WORK --

17 CHAIRMAN PENNINGTON: WELL, IF YOU SAY
18 SUBSTITUTE -- YOU HAVE TO MAKE THAT DECISION UP FRONT.
19 RIGHT? STANDARDIZE THE FULL PERMIT COULD BE

CALIFORNIA SHORTHAND REPORTING

1 SUBSTITUTED BY A FACILITY COMPLIANCE ON A CASE-BY-
2 CASE, THAT WOULD BE YOU'VE GOT TO DO IT UP FRONT.

3 MEMBER JONES: YOU AND I WOULD.

4

5 CHAIRMAN PENNINGTON: THE BOARD WOULD AMEND
6 THE MOU.

7 MEMBER JONE: I'M SAYING THE BOARD WOULD, BUT
8 I'M NOT SO SURE THAT -- YOU KNOW, I WANT -- I'M JUST
9 TRYING TO MAKE SURE THAT ALL THE PEOPLE IN THE
10 HINTERLANDS (PHONETIC) KNOW TO COME IN EARLY.

11 MS. TOBIAS: MR. PENNINGTON, MAY I ALSO ADD
12 MS. BOARSLER (PHONETIC) IS RAISING THE ISSUE THAT
13 WE'VE ASKED TO HAVE THIS LANGUAGE ON THE AB 59 PROCESS
14 AMENDED INTO THE MOU.

15 IF IT'S NOT AMENDED INTO THE MOU, OR IF
16 THAT'S A PROGRAM, IF THE BOARD WOULD AGREE TO THIS IT
17 MIGHT BE GOOD IF WE PUT THE WHEREAS PARAGRAPH IN HERE
18 THAT BASICALLY SAYS THAT THIS IS ALSO SUBJECT TO
19 AGREEING THAT OUR APPEAL PROCESS IS OBSERVED. AND

CALIFORNIA SHORTHAND REPORTING

1 THAT WAY IT'S IN OUR INTENT, WHICH MAYBE IF THIS
2 DOESN'T GET APPROVED THEN WE -- THE BOARD'S INTENT IS
3 STILL CLEAR ON THAT.

4 WOULD THAT BE --

5 MEMBER JONES: IT WORKS FOR ME.

6 MS. TOBIAS: OKAY. GREAT. THANK YOU.

7 MEMBER JONES: YEAH, THAT'S FINE.

8 MR. CHANDLER: SO, AS I UNDERSTAND IT, WHILE
9 WE'RE MAKING REFERENCE IN THE RESOLUTION TO A PROCESS
10 IN WHICH THE LOCAL JURISDICTIONS CAN COME FORWARD AND
11 REQUEST CONSIDERATION FROM THE BOARD ON STANDARDIZED
12 OF FULL, THE MOU THAT YOU'RE ASKING THAT I SIGN SIMPLY
13 ADHERE TO THE REGISTRATION TIER AT THIS TIME.

14 MR. PENNINGTON: CORRECT. YEAH.

15 MR. CHANDLER: THAT'S CORRECT? THAT'S THE
16 TEMPLATE THAT WOULD GO FORWARD? OKAY. I JUST WANTED
17 TO BE CLEAR ON THAT.

18 MR. JONES: CAN WE INCLUDE A COPY OF OUR
19 RESOLUTION WITH THE MOU? JUST SO THAT THEY SEE WHERE

CALIFORNIA SHORTHAND REPORTING

1 WE'RE -- YOU KNOW, SO THAT THEY UNDERSTAND? IS THAT -
2 - DOES THAT WORK?

3 CHAIRMAN PENNINGTON: SURE.

4 MR. JONES: THEN THEY'VE GOT THE FULL INTENT
5 THAT -- YOU KNOW, THAT WE'RE NOT SAYING CASE-BY-CASE
6 CARTE BLANCHE. BRING IT TO US, LET US DETERMINE EARLY
7 ON, AND WE WILL DETERMINE --

8 MR CHANDLER: AND IT WOULD REQUIRE --

9 MEMBER JONES: -- THAT THE MOU ISN'T JUST FOR
10 THE REGISTRATION --

11 MR. CHANDLER: -- A NEW MOU OR AN ADDENDUM TO
12 THE MOU --

13 MEMBER JONES: RIGHT.

14 MR. CHANDLER: -- TO BE STRUCTURED IN ORDER
15 FOR THAT ADDITIONAL LATITUDE --

16 MEMBER JONES: RIGHT. YEAH.

17 MR. CHANDLER: -- TO BE AFFORDED.

18 CHAIRMAN PENNINGTON: OKAY. ARE WE CLEAR ON
19 THAT? ARE WE GOING TO VOTE ON HERE?

CALIFORNIA SHORTHAND REPORTING

1 MEMBER EATON: WELL, PERHAPS WE SHOULD ASK
2 MR. EDGAR IF PEACE IS TRULY AT HAND.

3 CHAIRMAN PENNINGTON: OKAY. ARE WE READY?
4 IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY
5 CALL THE ROLL?

6 THE SECRETARY: BOARD MEMBER EATON?

7 MEMBER EATON: AYE.

8 THE SECRETARY: FRAZEE?

9 MEMBER FRAZEE: AYE.

10 THE SECRETARY: JONES?

11 MEMBER JONES: AYE.

12 THE SECRETARY: CHAIRMAN PENNINGTON?

13 CHAIRMAN PENNINGTON: AYE.

14 MOTION CARRIES.

15

CALIFORNIA SHORTHAND REPORTING